

Notice of Allowability

Application No.

09/925,389

Applicant(s)

LEAVITT ET AL.

Examiner

Maria N. Von Buhr

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 8/9/01, 2/15/02, 2/27/02, 5/9/03 & 6/4/04.
2. ☒ The allowed claim(s) is/are 1-52.
3. ☒ The drawings filed on 27 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/15/02, 5/9/03, 6/4/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Maria N. Von Buhr

MARIA N. VON BUHR
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

- on page 7, line 22, -- now issued as U.S. Patent No. 6,577,387, -- has been inserted after "09/751,875,"

- on page 9, lines 24-27, "Further details regarding the hydration process may be found in commonly-owned and issued U.S. Patent No. 6,207,086 and in commonly-owned, co-pending United States Patent Application No. 09/252,307, filed February 18, 1999, the contents and disclosure of each of which is incorporated by reference as if fully set forth herein." has been replaced by -- Further details regarding the hydration process may be found in commonly-owned, co-pending United States Patent Application No. 09/252,307, now issued as U.S. Patent No. 6,207,086, filed February 18, 1999 and entitled METHOD AND APPARATUS FOR WASHING OR HYDRATION OF OPHTHALMIC DEVICES, the contents and disclosure of which is incorporated by reference as if fully set forth herein. --

- on page 13, lines 23-27, "A detailed explanation regarding the lens transfer mechanism may be found in commonly-owned, co-pending United States Patent Application No. 09/252,207 filed February 18, 1999 and entitled CONTACT LENS TRANSFER AND MATERIAL REMOVAL SYSTEM (VTN-0418), the whole contents and disclosure of which is incorporated by reference as if fully set forth herein." has been replaced by -- A detailed explanation regarding the lens transfer mechanism may be found in commonly-owned, co-pending United States Patent Application No. 09/252,287, now issued as U.S. Patent No. 6,351,069, filed February 18, 1999 and entitled CONTACT LENS TRANSFER AND MATERIAL REMOVAL SYSTEM, the whole contents and disclosure of which is incorporated by reference as if fully set forth herein. --

- on page 15, line 2, --, now issued as U.S. Patent No. 6,609,041, -- has been inserted after "09/305,885" while -- and entitled METHOD AND SYSTEM FOR SKU TRACKING AND CHANGEOVER -- has been inserted after "1999".

REASONS FOR ALLOWANCE

I. The following is an examiner's statement of reasons for allowance:

None of the prior art of record, neither alone nor in combination, is deemed to fairly teach and/or suggest the instantly claimed "generating an information record associated with each first transport structure carrying a plurality of products, said record including information for identifying products carried by said first transport structure and including a data structure identifying locations of any product on said transport structure determined to have met acceptability criteria as determined at said one processing station," "updating said associated information with status of products as a result of processing thereat," and "communicating an updated information record associated with a first transport structure currently en route to a product unload area to a transport staging means for staging a plurality of individual transport structures each capable of receiving an individual product to be transferred from said first transport structure, said staging means responsive to said data structure for aligning a plurality of individual transport structures in a staging area according to locations identified in said data structure as including acceptable products," ... "wherein said updated information record associated with a first transport structure currently en route to a product unload area is communicated prior to arrival of said first transport structure thereat," in combination with the other instantly claimed elements of the "method for automatically transporting a plurality of products for sequential processing at one or more processing stations," or similar language in each of the independent claims.

2. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



Maria N. Von Buhr
Primary Patent Examiner
Art Unit 2125